

REMARKS

After entry of this Amendment, claims 3-26 are pending in this Application and are presented for reconsideration. By this Amendment, claims 10, 21, and 24 are amended. No new matter is added.

A. Applicant gratefully acknowledges the Examiner's indication that claims 8 and 14 would be allowable if rewritten in independent form including all of the limitations of the base claims and any intervening claims. However, Applicant respectfully submits that all of the pending claims are allowable in light of the amendments and remarks herein.

B. The drawings were objected to for failing to include a legend such as "prior art." Figure 3 has been amended to include the label "related art" as shown in the Request for Approval of Drawing Amendment filed herewith. Accordingly, Applicant respectfully requests withdrawal of the objection to the drawings.

C. Claims 2-5, 9-13 and 15-26 were rejected under 35 U.S.C. §103(a) as being unpatentable over Applicant's allegedly admitted prior art ("AAAPA") in view of U.S. Patent No. 6,185,246 to Gilhousen ("Gilhousen"). This rejection is respectfully traversed.

As an initial matter, Applicant submits that the Examiner has failed to make a *prima facie* case of obviousness because the Examiner has failed to show any motivation within the references that would lead one of ordinary skill to combine these two teachings. Just because two references may show elements claimed does

not mean that one of ordinary skill in the art would be motivated to combine the teachings of those references. Absent the Applicant's disclosure, there is no motivation to combine the teachings or any indication that such a combination would be successful.

However, even if combined, Applicant submits that Gilhousen, alone or in combination with the AAAPA discussed in the specification, fails to teach or suggest at least the features of transmitting call access control information without receiving a specific request for the same from a mobile station or the like using, for example, a call access request. (Thus, Applicant respectfully submits Gilhousen fails to teach or suggest repeatedly, or periodically transmitting call access control information regarding at least availability of Walsh codes or status information or before, prior to or without receiving a call access request.)

In contrast, Gilhousen teaches a Walsh generator 520 that generates a data rate select signal and a function select signal that is transmitted to the mobile unit as part of the call set up message after the mobile unit sends a call access request to the cell-site. See col. 18, lines 6-12 and col. 12, lines 18-38.

In contrast, preferred embodiments of the present invention are directed towards a system and method wherein code class information may be broadcast to a mobile station so that the mobile station can determine an available code class without using the communication system resources to query the base station for an assigned code class. For example, claim 10 recites "broadcasting at a base station call access control signal including ... information of at least one or more code class ...

wherein the call access control signal is broadcast prior to receipt of an access channel request.” In another example, claim 21 recites “repeatedly broadcasting from a base station call access control information ... wherein the repeatedly broadcast call access information is not responsive to a specific mobile station call access request.”

Thus, Applicant respectfully submits that Gilhousen, alone or in combination with AAAPA, fails to teach or suggest at least these features and combinations thereof as variously recited in claims 10 and 21. Independent claims 12, 15, and 24 recite similar features. Claim 2 has been canceled rendering this rejection moot as to that claim. Claims 3-5, 9, 11, 13, 16-20, 22, 23, 25, and 26 depend from the independent claims listed above. Therefore, Applicant submits that Gilhousen, alone or in combination with AAAPA, fails to teach or suggest at least these features of claims 3-5, 9, 12-13, 15-20, and 22-26 for at least the reasons given with respect to claims 10 and 21 as well as their additional features. Accordingly, Applicant respectfully requests withdrawal of the rejection of claims 2-5, 9-13, and 15-26 under 35 U.S.C. §103(a) in view of AAAPA and Gilhousen.

D. Claim 6 was rejected under 35 U.S.C. §103(a) as being unpatentable over AAAPA, Gilhousen, and further in view of U.S. Patent No. 5,678,181 to Kamachi ("Kamachi"). This rejection is respectfully traversed.

As an initial matter, Applicant submits that the Examiner has failed to make a *prima facie* case of obviousness because the Examiner has failed to show any motivation within the references that would lead one of ordinary skill to combine these references.

Claim 6 depends from claim 21. Therefore, Applicant submits that Gilhousen, alone or in combination with AAAPA and Kamachi, fails to teach or suggest at least the feature discussed above with respect to claim 21 as well as its additional features. Accordingly, Applicant respectfully requests withdrawal of the rejection of claim 6 under 35 U.S.C. §103(a) in view of AAAPA, Gilhousen, and Kamachi.

E. Claim 7 was rejected under 35 U.S.C. §103(a) as being unpatentable over AAAPA, Gilhousen, and further in view of U.S. Patent No. 6,356,595 to Czaja, *et al.* ("Czaja"). This rejection is respectfully traversed.

As an initial matter, Applicant submits that the Examiner has failed to make a *prima facie* case of obviousness because the Examiner has failed to show any motivation within the references that would lead one of ordinary skill to combine these references.

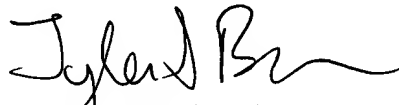
Claim 7 depends from claim 21. Therefore, Applicant submits that Gilhousen, alone or in combination with AAAPA and Czaja, fails to teach or suggest at least the feature discussed above with respect to claim 21 as well as its additional features. Accordingly, Applicant respectfully requests withdrawal of the rejection of claim 7 under 35 U.S.C. §103(a) in view of AAAPA, Gilhousen, and Czaja.

CONCLUSION

In view of the foregoing amendments and remarks, it is respectfully submitted that the application is in condition for allowance. If the Examiner believes that any additional changes would place the application in better condition for allowance, the Examiner is invited to contact the undersigned attorney, **Tyler S. Brown**, at the telephone number listed below.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this, concurrent and future replies, including extension of time fees, to Deposit Account 16-0607 and please credit any excess fees to such deposit account.

Respectfully submitted,
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